



Howard Planning and Zoning Minutes



MINUTES HOWARD COUNTY PLANNING & ZONING September 16, 2015

A meeting of the Howard County Planning & Zoning Commission was convened in Open and Public session on the 16th of September, 2015 in the Assembly Room of the Howard County Courthouse, St. Paul, Nebraska.

Chairman Terry Spilinek called the meeting to order at 8:00 p.m. The Open Meeting Act is posted in the rear of the room. Administrator Klinginsmith read the Notice of Meeting. A proof of publication is filed at the Howard County Clerk's office.

Roll call showed 8 members present: Daryl Anderson, Jeff Christensen, Chris Kosmicki, Ken Kozisek, Jack Reimers, Terry Spilinek, Randy Kauk, and Ron Kulwicki. Those absent were: Dave Sack. Also present were Cherri Klinginsmith, Planning & Zoning Administrator, and members of the public including Nathan Lutz, Ron Dvorak, Barbara Nielsen, Terrance Nielsen, Justin Nielsen, Marvin Lutz, Brian Schlachter, J.R. Rother, Brian Timmons, Nathan and Nikki Timmons.

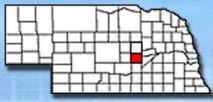
The Agenda and Minutes were e-mailed to the Board Members prior to the meeting. A motion was made by Ken Kozisek and seconded by Jack Reimers to approve the minutes of the August 19, 2015 meeting. The motion carried on unanimous voice vote.

Administrator Klinginsmith informed the board that interviews have taken place for Zoning and the UNL Extension office secretary position. She hopes to have a secretary no later than October 1, 2015.

At 8:05 p.m. the public hearing regarding a single lot subdivision application by Terrance and Barbara Nielsons was opened. The subdivision consists of 3.05 +/- acres and will be named Nielsen subdivision located in the SE ¼ of Section 28, Township 13N, Range 9W. Terrance and Barbara Nielsen were present for the hearing, along with their son Justin Nielsen. Terrance stated he wanted to sell a single lot subdivision to his son so he could build a house. Administrator Klinginsmith verified all zoning regulations have been met and this will be a farm residence as Justin is helping with the farm. Nathan Lutz spoke in favor for application and there was no testimony against the application. After some discussion by the board, a motion was made by Ken Kozisek to approve the subdivision and seconded by Ron Kulwicki. The motion carried on unanimous voice vote 8-0. A Finding of Fact was completed (copy attached).

At 8:15 p.m. the public hearing regarding updating the Howard County Zoning Regulations pertaining to the Matrix of Land Use, specifically advertising displays and signs.

Chairman Spilinek asked for testimony in favor. Nathan Lutz stated he thought it was a great idea to just not distinguish between the commercial properties that we have in town, I understand there is a precedence for just that area and what it should be used for but also there is several home based business located inside Howard county that they also ought to be recognized for what they do whether they work directly out of their home or want to put up a sign so people can recognize who they are and what they do, even if they don't work directly out of that building or home. They should still be able to have a sign saying who they are and where they can be located at, so I am in favor of rezoning.



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Ron Dvorak stated he was in favor of it, I mean to keep him from running his business and making money, the more money he makes the more you guys are going to get. It shouldn't be any different than somebody advertising in the paper for their home based business to list their phone number. It is not a retail business it's just working out of your home, just like I do.

Nathan added, it's mainly a premise sign saying this is who I am and what I do, more so than hey come on over to my house and I can fix your furnace, I don't do that.

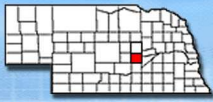
There was no testimony against. Chairman Spilinek verified that this hearing is not about Lutz's sign, but to update our Matrix of land use regulations. A motion was made by Jeff Christensen to approve the update to the matrix of adding Advertising displays and signs for land use as a conditional use permit in A-1, A-2, A-3, C-S and permitted in I-1 and I-2, and seconded by Randy Kauk. The motion carried on unanimous voice vote 8-0. A Finding of Fact was completed (copy attached).

At 8-25 p.m. the public hearing on a conditional use permit application by Nathan Lutz for applying for an advertising sign on his storage shed in A-2 district. Nathan Lutz was present for the hearing, Nathan stated it is mainly storage for me, I don't do any work out of the building, I don't have truck traffic in and out of there, and I do not serve clientele out of my building. I am a home based business, and that building is used for storage of my products. All my wholesalers are located in Grand Island, which currently I live in Grand Island, we bought the lot and my house will hopefully be done by end of October and we will be locating to St. Libory. I thought I went through all the proper steps with the state, I spoke to Frank Stepanek and he said as long as its connected to your building it doesn't require a state permit, and then I didn't go through the step with Cherri and the county. I have filled out one sign application and now we are on the conditional use application. I have tried to do everything I was supposed to do, but I obviously have missed a couple steps. I could have put in on a big trailer and parked it behind my building, but I thought that would look like crap. I gotta live out there and I don't want it to be an eyesore to the community out there in the subdivision. You see the sign for 5 seconds as you drive by the road, and I don't see the problem.

Chairman Spilinek asked for testimony in favor. J.R. Rother stated I live out there in the subdivision and we have the covenants that we all agreed to when we agreed to own a lot there and build residence there. One of the things in there is that we are not going to be running a business or enterprise out of the property there. And from the testimony I hear he is not actually running a business it's more of a an advertising sign and a Ron Dvorak is the head of our home owners association and if he gives his blessing to this as a resident there, that's one thing I agreed to abide by so if Ron says it's okay, it's okay by me. It looks like he did it professionally, and if he had traffic coming in and out of there it would be another thing and I would have some concerns with that, but I have no objections to how it is now.

Ron Dvorak stated, I think its fine myself to, it's not going to hurt the subdivision because nobody can see it from inside the subdivision. Basically just a sign on the road and I can't see where it would hurt the subdivision in anyway and I believe everybody in the subdivision is alright with it. If it was on the other side of the building we would have a problem with it, because everybody would have seen it. Nathan stated he got signatures from everybody that lives out there, that they are okay with it.

Chairman Spilinek asked for testimony in opposition. Administrator Klinginsmith stated she had two phone calls of opposition, which were within the one mile radius of notification letters to landowners, but none were from within the subdivision.



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Chairman Spilinek closed the public hearing. Discussion by board members stated the size of the sign is larger than what we allow. Klinginsmith stated, currently we don't allow advertising signs in A-2, so we don't have a specific regulations for that type of sign. Jeff Christensen stated so where did we land with the state of Nebraska? Klinginsmith stated, if it is a on premise sign that advertised goods or services are available on your property it is allowed and so I'm not sure what Nathan is doing meets that definition. Christensen and Ken Kozisek agreed, that it does not because the services he provides are not on that property, so according to state regulations, he cannot have the sign. Klinginsmith read the advertising signs regulations: they are only allowed in commercial or industrial areas, (above read from "So you want a sign? A guide to Highway Signs by the NDR) which this land is not zoned commercial, but is zoned agricultural residential (A-2). Christensen stated if we issue a conditional use permit it will be against the state regulations. Klinginsmith stated, the state will back us up and they are waiting to hear what we decided at this meeting tonight. Ron Kulwicki asked if the state would put that in writing. Because it sounds like to us that with what we have heard tonight from Nathan, the sign does not meet their regulations, but if they are telling Nathan he doesn't need a permit we would like something in writing from them stating their decision. Christensen followed up with, it would be foolish of us to approve the CUP if it is against state regulations, until they give us clarification. The zoning board also thought it would be beneficial for our county attorney to be present at these meetings.

A motion was made by Jeff Christensen that we direct the planning and zoning administrator to investigate with the state to receive some written clarification of what appears to have been communicated verbally on this issue and seconded by Ken Kozisek. The motion carried on unanimous voice vote 8-0. A Finding of Fact was completed (copy attached).

Discussion was held regarding a residence within Bunker Hill Odor Footprint. Brian Timmons and Nathan and Nikki Timmons were present. Administrator Klinginsmith stated Nikki had called her to ask if they could build a house just north of the feedlot, which is within the Bunker Hill Odor footprint. Klinginsmith wanted to verify with the zoning board that this is now allowed under our A-1 district conditional uses. After discussion it was confirmed that a Commercial feedlot nuisance easement form attached to a Conditional Use application would be needed.

Discussion was held regarding advertising sign for alfalfa located on the East side of HWY 281 and on Loup River Road, sign measures 32 square feet. Administrator verified that the sign is allowed by the state of Nebraska due to the alfalfa being advertised is on the premises to be sold, however a sign permit from Howard County would still be required. Klinginsmith will be in contact with the land owner.

Discussion was held regarding zoning sign regulations, it was agreed that our sign regulations need to be simplified and Cherri will be looking at other county regulations on this and see what can be done to simplify these regulations, and feels only advertising/Business signs should be regulated. This will be discussed at a later meeting.

At 9:50 p.m., a motion was made by Ron Kulwicki and seconded by Randy Kauk to adjourn. The motion carried by unanimous voice vote. The next meeting will be October 21, 2015.